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Attorneys for Defendants
AGCS MARINE INSURANCE COMPANY
AND ALLIANZ GLOBAL RISKS US INSURANCE COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT CALIFORNIA

REXFORD PROPERTIES LLC,

Plaintiff,

v.

AGCS MARINE INSURANCE
COMPANY,
ALLIANZ GLOBAL RISKS US
INSURANCE COMPANY,
And DOES 1-10,

Defendants.

Case No. 1:23-cv-00276-ADA-SAB

**DEFENDANTS AGCS MARINE AND
ALLIANZ GLOBAL RISKS US'S NOTICE
OF MOTION AND MOTION FOR
JUDGMENT ON THE PLEADINGS**

[F.R.C.P. 12(c)]

Date: December 18, 2023
Time: 1:30 p.m.
Location: Court Room 1/Video Conference
Hon. Ana de Alba

Complaint Filed: January 17, 2023
Pre-Trial Conference: October 7, 2024
Trial Date: December 10, 2024

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE THAT on December 18, 2023, or as soon thereafter as the matter may be heard, via videoconference, Defendants AGCS Marine Insurance Company and Allianz Global Risks US Insurance Company will move this Court for judgment in their favor on the pleadings and/or to dismiss the First Amended Complaint filed in this action [Doc. 22] by Plaintiff Rexford Properties, LLC including each of the causes of action set forth in the First Amended Complaint, without leave to amend.

This motion will be made on the following grounds:

1. Pursuant to Federal Rules of Civil Procedure 12(c), the First Claim for Relief for Breach of Contract fails to state a claim upon which relief can be granted against AGCS Marine;

2. Pursuant to Federal Rules of Civil Procedure 12(c), the Second Claim for Relief for Declaratory Relief fails to state a claim upon which relief can be granted against AGCS Marine or Allianz Global Risks US; and

3. Pursuant to Federal Rules of Civil Procedure 12(c), the Third Claim for Relief for Breach of the Implied Covenant of Good Faith and Fair Dealing fails to state a claim upon which relief can be granted against AGCS Marine or Allianz Global Risks US.

4. That this First Amended Complaint, and any causes of action and/or claims for relief set forth therein, be dismissed without leave to amend because amendment would be futile.

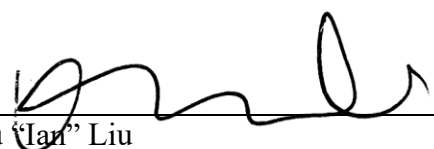
This motion is based on this Notice of Motion, the Memorandum of Points and Authorities filed herewith, the Declaration of Hanqiu Ian Liu filed herewith; Rexford's Complaint and First Amended Complaint filed in this action and the exhibit thereto [Docs. 1-1, 22 and 22-1]; AGCS Marine's Answer to Plaintiff's First Amended Complaint filed in this action and the exhibits thereto [Docs. 23, 23-1, 23-2 and 23-3]; the papers and records on file in this action, and on such oral and documentary evidence as may be presented at the hearing on this motion.

This motion is made following the meet and confer conference of counsel which took place on November 3, 2023, as required by Judge Ana de Alba's Standing Order. *See* Judge Ana de Alba's Standing Order in Civil Actions 1. d.

1 DATED: November 13, 2023

McDOWELL HETHERINGTON LLP

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3 By:


Hanqiu "Ian" Liu

Jodi K. Swick

Attorneys for Defendants

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5 ALLIANZ GLOBAL RISKS US INSURANCE
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